

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW J. OLMER,

Defendant.

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8:06CR15

ORDER

At the request of counsel, a telephone conference was held on October 11, 2006. Michael P. Norris represented the United States. Defendant was represented by Carlos A. Monzón. All parties requested that the October 17, 2006 trial be continued to facilitate further investigation and plea negotiations. The court finds that the request should be granted.

IT IS ORDERED that the parties' joint motion to continue trial is granted, as follows:

1. The trial of this matter is continued from **October 17, 2006 to November 28, 2006** before Judge Laurie Smith Camp and a jury.

2. In accordance with 18 U.S.C. § 3161(h)(A), I find that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **October 17, 2006 and November 28, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Defendant shall file a waiver of speedy trial in accordance with NECrimR 12.1 as soon as is practicable.

DATED October 11, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**